



File Code: 1570

Date: August 4, 2014

#14-04-00-0034-OB218

Mike Garrity  
Alliance for the Wild Rockies  
P. O. Box 505  
Helena, MT 59624

CERTIFIED MAIL – RETURN  
RECEIPT REQUESTED

Dear Mr. Garrity:

This letter is in response to your objection, dated May 23, 2014, on behalf of Alliance for the Wild Rockies and Native Ecosystem Council, regarding the Lost Creek-Boulder Creek Landscape Restoration Project located on the Payette National Forest. I have read your objection and reviewed the Environmental Impact Statement (EIS), the draft Record of Decision (ROD), the content in the project file, as well as considered the comments submitted during the opportunities for public comment for this project. Based on this review, conducted in accordance with 36 CFR 218, I understand the disclosed environmental effects of this project.

The 36 CFR 218 regulations provide for a pre-decisional administrative review process in which the objector provides sufficient narrative description of the project, specific Objections related to the project, and suggests remedies that would resolve the objection (36 CFR 218.8). The regulations also allow, in part, for the parties to meet in order to resolve the Objections (36 CFR 218.11(a)). While a call was held on June 20, 2014, no resolution of objections were forthcoming from it.

I find your objection satisfies the requirements of 36 CFR 218.8. As specified at 36 CFR 218.11(b), I must provide a written response that sets forth reasons for the response; however, this written response need not be point-by-point. The Responsible Official and I have reviewed the project in light of the Objections presented in your objection letter. I have considered your Objections and suggested remedies and included my reasons for response to these Objections and suggested remedies, which are detailed below.

## Overview of Project

The Lost Creek–Boulder Creek Landscape Restoration Project is analyzing proposed landscape restoration treatment activities in the 80,000 acre area on the New Meadows Ranger District, Payette National Forest. The purpose of the proposed action is as follows:

- 1) Move vegetation toward the desired conditions defined in the Forest Plan and consistent with the science in the Forest's draft Wildlife Conservation Strategy.
- 2) Move all subwatersheds within the project area toward the desired condition for soil, water, riparian, and aquatic resources and improve the Boulder Creek subwatershed from the



“Impaired” category to the “Functioning at Risk” category as described in the Watershed Condition Framework.

3) Manage recreation use in Boulder Creek and in the vicinity of Lost Creek with an emphasis on providing sanitation facilities, identifying and hardening dispersed recreation areas, and developing new trail opportunities.

4) Contribute to the economic vitality of the communities adjacent to the Payette National Forest.

The preferred alternative is Alternative B. This alternative proposes non-commercial and commercial thinning, prescribed burning, watershed improvements such as road closures, road decommissioning, and fish passage improvements, and recreation improvements including ATV/UTV trails and dispersed camping improvements. Alternative B responds to the purpose and need as stated above, and incorporates the recommendations of the Payette Forest Coalition and other concerns expressed in comment letters and public meetings.

## **Response to Objections & Suggested Remedies**

### **Suggested Remedy**

Your suggested remedy is for the forest to prepare a Supplemental Draft EIS that utilizes the best scientific information available and historic data on forest conditions in the project area to define Desired Conditions and reference conditions, especially as pertaining to species composition and landscape pattern.

### **Objections Not Requiring Further Discussion or Instructions**

***Objection:*** The EA is not in compliance with 36 CFR § 212 subpart A.

***Objection:*** The DEIS was based upon grossly incomplete data, and it is not clear how the FEIS remedied those deficiencies, in violation of NEPA.

***Objection:*** The FEIS fails to adequately analyze the roadless/unroaded lands.

***Objection:*** The FEIS violates NFMA’s diversity provisions in regards to old growth, Management Indicator Species (MIS), Sensitive species, Threatened species, Endangered species, and those “Warranted” for listing under the ESA (Candidate species). The FEIS’s analyses do not insure that viable populations of terrestrial wildlife are being maintained, despite admitted adverse impacts to many species.

***Objection:*** The FEIS does not ensure viability for bull trout and other native Salmonid species, nor does it demonstrate that project activities will adequately move ESA-listed species toward recovery.

***Objection:*** The PNF and has not properly consulted with the U.S. Fish and Wildlife Service on Critical Habitat.

***Objection:*** The FEIS relies upon scientifically invalid methodologies for protecting soil productivity. The Payette Forest Plan Standard for Detrimental Disturbance is not scientifically valid and is not based on Soil Productivity.

**Objection:** *The FEIS fails to consider the importance of retaining adequate amounts of coarse and fine woody debris in areas proposed for logging and/or burning. "...nowhere in the FEIS is FSM 5150 or FSM 2550 even mentioned, and FSH 2509.18 is only mentioned in the context of detrimental disturbance—not in terms of ensuring compliance with management direction for coarse woody debris so that ecologically sufficient amounts are retained following management activities."*

**Objection:** *The FEIS fails to disclose the cumulative impacts of fire suppression.*

**Objection:** *The FEIS does not demonstrate that more opportunities are needed in the project area for motorized recreation activities, does not disclose cumulative effects, and does not respond to comments on this issue.*

**Objection:** *Vegetation treatments are based upon information and desired conditions which are not supported by science or data on past forest conditions in the project area, rendering the alternatives arbitrary and insufficient for the stated purpose and need.*

**Response:** Based on my review of the Environmental Impact Statement (EIS), the draft Record of Decision (ROD), and the content in the project file, I find these objections/contentions and suggested remedies do not require further discussion or instructions to the Responsible Official for one or more of the following reasons:

- The Forest is in compliance with 36 CFR § 212 Subpart A.
- The Forest is in compliance with the Idaho Roadless Rule.
- The Forest is in compliance with NEPA, CEQ direction for implementation of NEPA 40 CFR 1500.
- The proposed action complies with NFMA with regard to the analysis of MIS and the Migratory Bird Treaty Act.
- The project fully complies with the Endangered Species Act.

### **Objections Requiring Further Discussion or Instructions**

**Objection:** *The Selected Action is not based upon completion of the Wildlife Conservation Strategy (WCS) Forest Plan Amendment process.*

**Response:** This project does not rely upon the completion of the proposed LRMP amendment tied to the Wildlife Conservation Strategy. Because the Forest has not completed this amendment due to budget constraints, yet wishes to remain consistent with the best available science as required by the NEPA, the Forest has chosen to utilize the science supporting the analysis in the 2011 draft EIS for the WCS LRMP amendment, while also considering more recent science published after 2010.

**Recommendation:** I am instructing the Responsible Official to clarify in a whitepaper how the science of the Wildlife Conservation Strategy was incorporated into this project and how utilizing that science met the requirements of the current Forest Plan.

**Objection:** *The DEIS was based upon grossly incomplete data, and it is not clear how the FEIS remedied those deficiencies, in violation of NEPA. The Forest used incomplete or premature data to support the proposals for road decommissioning/treatments.*

**Response:** Data utilized for project design and analysis included field data, imagery interpretation and historic files/data. The project design features and implementation monitoring also require clearances for many activities prior to implementation, including surveys to determine fish presence, some wildlife data and further information on vegetative conditions necessary to develop implementation plans and silvicultural prescriptions.

Specific to unauthorized route treatments, routes and treatments were identified in the FEIS. The initial raw GRAIP data was utilized to develop restoration priorities (see GIS data). The watershed restoration maps in Chapter 2 also depict the locations and types of treatments. Table A-5 in Volume 2 of the FEIS lists each route and states the treatment by alternative for each unauthorized route.

Specific to temporary roads, the planned temp roads are identified for each alternative. Incidental temporary roads were proposed to allow for new construction to minimize impacts to other resources from implementation and are limited to one mile or less per subwatershed. All temp roads are proposed to be decommissioned upon completion of use.

**Recommendation:** I am instructing the Responsible Official to interpret and clarify GRAIP data, and review the response to comment 181 and clarify that future NEPA is not required for the implementation of this project.

**Objection:** *The FEIS relies upon scientifically invalid methodologies for estimating past and project-related soil detrimental disturbance (DD).*

**Response:** The methodology for detrimental disturbance is documented in the Soil-Disturbance Guide (Napper et al 2009) and also specifically for this project in Appendix C of the Soils Specialist Report. The FEIS and the Soils Specialist Reports state the source of their methodology and the Soils Specialist report describes the methodology. However, the FEIS and the Soils Specialist Reports cite two different sources for their methodology.

**Recommendation:** I am instructing the Responsible Official to correct Appendix C of the Soils Specialist report.

**Objection:** *The FEIS fails to adequately disclose analyses of cumulative effects, in violation of NEPA.*

**Response:** Consistent with NEPA and CEQ directives all Chapter 3 resource sections include a discussion of cumulative effects, most have some specific discussion of the cumulative effects due to past, present and reasonably foreseeable actions (a description of the potential actions contributing to cumulative effects is found in the FEIS, Appendix D), including motorized recreation and livestock grazing. The wildlife section includes a cumulative effects discussion

for each species. Additional documentation can be found in the project BA, and resource specialist reports found in the project record.

In review of the objection, the objector is asserting requirements for incorporation of all past monitoring for all projects in the area and all monitoring in response to the Forest Plan direction. There is no such requirement outlined in policy, rules, regulations or law to include such information in an EIS. Cumulative impacts are to include the incremental impact of all past, present or reasonably foreseeable future actions regardless of what agency or person undertakes such other actions (CEQ 1508.7). The Forest is compliant on this point of not including all past monitoring.

**Recommendation:** I am instructing the Responsible Official to clarify/strengthen the project documentation and decision for cumulative effects.

## **Conclusion**

The Responsible Official's rationale for this project is clear and the reasons for the project are logical and responsive to direction contained in the Payette National Forest Land and Resource Management Plan. As described above, I made a reasonable and appropriate effort to resolve the concerns that were brought forward while maintaining a balanced approach to managing the lands and meeting the purpose and need of the project.

Once the recommendations set forth in this letter are complete, I am instructing Forest Supervisor Keith Lannom to proceed with issuance of the Record of Decision for this project. My review constitutes the final administrative determination of the Department of Agriculture; no further review from any other Forest Service or USDA official of my written response to your objection is available [36 CFR 218.11(b)(2)].

Sincerely,

/s/ George C. Iverson  
GEORGE C. IVERSON  
Objection Reviewing Officer

cc: Keith Lannom